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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

**CENTER FOR BIOLOGICAL
DIVERSITY *et al.*,**

Plaintiffs,
vs.

PETER DAUGHERTY, *et al.*,

Defendants.
and

**OREGON FOREST INDUSTRIES
COUNCIL; TILLAMOOK COUNTY,**

Intervenor-Defendants.

Case No. 3:18-CV-1035-MO

INTERVENORS' RESPONSE TO STATE
DEFENDANTS' MOTION FOR STAY

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DEFENDANTS' MOTION FOR STAY

Intervenor-defendants Tillamook County (“the County”) and Oregon Forest Industries Council (“OFIC”) (collectively, “Intervenors”) respond to the State Defendants’ Motion for Stay as follows:

The State Defendants seek to stay this litigation through October 15, 2020, with an option to extend the stay for additional time thereafter. The six-month duration of the State Defendants’ requested stay is tied to the State’s long-term timeline for developing a multi-species Habitat Conservation Plan (“HCP”). Intervenors take no position on State’s request to stay the litigation through October, but, as an alternative, suggest a more limited 90-day stay, with the option to re-evaluate the need for additional time at the end of that period. The circumstances presented by the COVID-19 pandemic warrant a 90-day stay. As a practical matter, the pandemic has halted Intervenors’ progress in defending the case and will do so for the immediately foreseeable future. The litigation is currently in the expert rebuttal stage, which, for Intervenors (like the State Defendants), requires field work that cannot be completed due to COVID-19 closures, including Executive Order 20-12 (March 23, 2020), Tillamook County Resolution #R-20-006 (March 22, 2020), and Clatsop County Emergency Order #1 (March 22, 2020). This fact, combined with the resource and productivity strains created by the pandemic and stay-at-home-orders, justifies a limited-duration stay of 90 days.

Dated this 14th day of April, 2020.

SCHWABE, WILLIAMSON & WYATT, P.C.

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